

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JESSICA ABEYTA, )  
 )  
 Plaintiff, ) ) No. 3:18-cv-00386  
 v. ) ) Chief Judge Crenshaw  
 ) ) Magistrate Judge Brown  
 )  
 STONECREST MEDICAL CENTER, )  
 et al., )  
 )  
 Defendants. )

**ORDER**

Pending before the Court are motions to dismiss from Defendant StoneCrest Medical Center (Docket Entry No. 22), Defendants Bingham and Trembley (Docket Entry No. 38), and Defendant Sloas (Docket Entry Nos. 46 and 47). Defendants argue that all of Plaintiff's claims are barred by the applicable one-year statute of limitations for each of the claims. To accurately assess the statute of limitations defense, the Magistrate Judge ordered Defendants to submit under seal documentation of Plaintiff's visit to establish which actions took place on April 20, 2017, as opposed to April 21, 2017.

Upon reflection, given that matters outside of the pleadings have been submitted and must be considered by the Magistrate Judge, Defendants' motions to dismiss (Docket Entry Nos. 22, 38, 46 and 47) are **TERMINATED as moot**. *See* Fed. R. Civ. P. 12 ("If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.")

Accordingly, Defendants are given twenty-one (21) days to re-file their motions as motions for summary judgment pursuant to Fed. Riv. P. 56 and Local Rule 56.01. Plaintiff shall have twenty-eight (28) days to respond.

It is so **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge